


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,)
)
 Respondent/Plaintiff,)
)
 v.) Criminal Action No. 05-47-*** (MPT)
) Civil Action No. 07-~~467~~-*** (MPT)
) **789**
 NELSON LORA-PENA,)
)
 Movant/Defendant.)

AEDPA ELECTION FORM

1. _____

I wish the court to rule on my § 2255 motion as currently pending. I realize that the law does not allow me to file successive or later petitions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this motion will be my one opportunity to seek federal habeas corpus relief.
2.  _____

I wish to amend my § 2255 motion to include all the grounds I have. I will do so within thirty (30) days. I realize that the law does not allow me to file successive or later motions unless I receive certification to do so from the United States Court of Appeals for the Third Circuit; therefore, this amended all-inclusive motion will be my one opportunity to seek federal habeas corpus relief.

3. _____ I wish to withdraw my § 2255 motion without prejudice to file one all-inclusive motion in the future; that is, one that raises all the grounds I have for federal habeas corpus relief. I realize this all-inclusive motion must be filed within the one-year period as defined by 28 U.S.C. § 2244(d). See *Swartz v. Meyers*, 204 F.3d 417 (3d Cir. 2000).

4. _____ I am not seeking federal habeas corpus relief under § 2255. I am instead seeking relief under _____.


Movant 12-20-07